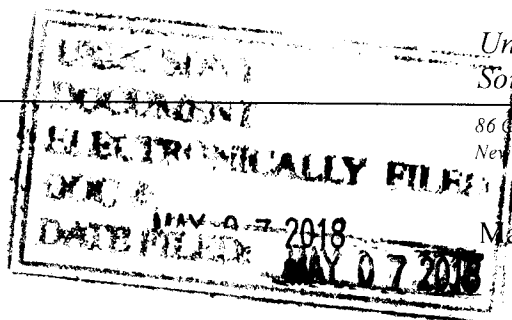


U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 3, 2018

SO ORDERED

VIA ECF and BY HAND

Hon. George B. Daniels
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MAY 07 2018

The conference is adjourned
to July 24, 2018 at 9:45 a.m.

George B. Daniels
HON. GEORGE B. DANIELS

Re: *ACLU v. Dep't of Health and Human Services, et al.*,
No. 17 Civ. 5514 (GBD) (GWG)
Joint Request to Adjourn May 8 Conference

Dear Judge Daniels:

This Office represents defendants the Department of Health and Human Services ("HHS"), the Department of Justice ("DOJ"), the Department of Labor ("DOL"), and the Department of the Treasury ("Treasury") in the above-referenced proceeding brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* (the "FOIA"). I write respectfully to request that the Court adjourn the status conference presently scheduled for May 8, 2018 at 9:45 a.m. by approximately sixty days. The purpose of the adjournment request is to allow the defendants to continue their processing of records responsive to plaintiff's FOIA request and to allow the parties to continue their discussions regarding such records.

By way of background, this action concerns ACLU's FOIA requests for records relating to certain alleged religion-based exemptions. ECF No. 1. By Orders dated August 22 and 24, 2017, the Court referred this matter to the Hon. Gabriel W. Gorenstein for general pretrial purposes, and rescheduled the initial pretrial conference for March 6, 2018.¹ See ECF Nos. 20, 21. On November 2, 2017, Judge Gorenstein ordered the parties to provide a joint status letter every sixty days. See ECF No. 27. The parties filed status letters on January 2 and March 5. See ECF Nos. 28, 31. The parties' third status letter is due May 4, 2018.

As will be reported in more detail in the May 4 status letter, HHS has completed its initial review of the remaining records and anticipates releasing any non-exempt, responsive records in

¹ The Court initially scheduled the pretrial conference for October 3, 2017, see ECF No. 13, and subsequently granted defendants' request to adjourn that conference to November 7, 2017, in connection with their request to extend the time to respond to the complaint, see ECF No. 19. The Court *sua sponte* rescheduled that conference to March 6, 2018, in light of its referral of the case to Judge Gorenstein. See ECF No. 21.

two tranches on May 14 and May 28, 2018. Two DOJ components are still processing ACLU's FOIA requests, namely, DOJ's Office of Information Policy ("OIP") (which is processing plaintiff's FOIA request on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Legislative Affairs, and Legal Policy) and Office of Legal Counsel ("OLC"). OIP and OLC have completed their initial review of the records yielded by their searches and anticipate issuing their first interim responses to ACLU by June 8 and June 29, 2018, respectively. DOL is continuing to work with two of its components, the Employee Benefits Security Administration and the Office of Federal Contract Compliance Programs, on narrowing their search results. Treasury anticipates that it will conclude its initial review of approximately 18,000 potentially responsive records by mid-June.

The parties respectfully request that the initial pretrial conference be adjourned to a date convenient to the Court after July 3, 2018 (*i.e.*, the date for the parties' next status report to Magistrate Judge Gorenstein) to allow the parties to resolve or narrow any remaining issues.

This is the parties' third request to adjourn the initial pretrial conference. Plaintiff consents to this request.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

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